IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (PIL) NO. 3047 OF 2004

Centre for Enquiry Into Health and Allied Themes (CEHAT) ....Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Mihir Desai for the petitioner.
Mr. R.M. Sawant, Government Pleader, for respondents.

CORAM: **DALVEER BHANDARI, C.J.** & **DR. D.Y. CHANDRACHUD, J.**

DATE: **APRIL 20, 2005**.

P.C.

This petition has been filed by the Centre for Enquiry into Health and Allied Themes (CEHAT) in which they have prayed that directions be given to any qualified authority or person or any nutritional expert or a committee of experts in nutrition to review the existing diet scales for prisoners in the jail and to recommend new or modified diet scales based on the physical needs and not origin of prisoners.

2. Pursuant to the show cause notice issued by this Court, some steps have been taken by the respondents. A committee consisting of DIG, Prisons, Dietician of J.J. Group of Hospitals and Co-

ordinator, DIP in Dietics and Senior Faculty, Department of Foods, Nutrition and Dietetics, Nirmal Niketan, Mumbai, was constituted. The committee has submitted its comprehensive report. The aims and objectives of the said Committee were to provide a wholesome, balanced diet to prisoners in order to maintain good health and prevention of diseases during their stay in prison. Diet scale has been suggested for male and female prisoners. Separate diet scale for pregnant and nursing women and children has also been indicated.

3. Pursuant to the show cause notice issued by this Court, Deputy Secretary, Home Department, Mantralaya, has filed affidavit. It is stated that the recommendations of the Committee were accepted with some modification. It is mentioned that it involved additional expenditure and requires change in rules by notification which is under consideration and process. The State Government had decided to implement the recommendations of the Committee within two months from the date of the affidavit which has already been filed. It is presumed that Committee's recommendations must have been implemented by the concerned authorities.

4. The learned counsel for the petitioner has drawn our attention

to Rule 57 of the Maharashtra Prison (Diet for Prisoners) Rules, 1970. The said Rule reads thus:

> " 57. Where an unconvicted (or convicted) criminal prisoner has to be sent to Court, he shall be given his food before he goes, and arrangement shall be made to enable him to have his food when he returns. If an unconvicted (or convicted) criminal prisoner has not been in the prison previously, it shall be the duty of the police to see that he has his food before he is taken to the prison, if he is likely to arrive there too late for the evening meal."

The learned counsel for the petitioner submits that this Rule is not strictly complied with by the respondents. We direct the respondents to ensure that Rule 57 is complied with in letter and spirit.

5. No further directions are necessary in this petition. This petition is accordingly disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.